



# RE•NEWS



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## Brownfield Site Assessment Grant Applications Due October 20th

Local governments with known or suspected contaminated properties in their communities can apply for the RR Program's Brownfield Site Assessment Grant (SAG) program.

The SAG program has \$1.7 million available to help municipalities jump start investigation activities at brownfields, which are abandoned, idle or underused industrial or commercial properties where redevelopment is hindered by real or perceived contamination.

"The SAG grants can help every community, from the village of Neshkoro using a grant to help turn an old gas station into a new park and veterans memorial, to the city of Milwaukee using a SAG to help investigate contamination in the Menomonee Valley," said Mark Giesfeldt, bureau director for the DNR's Remediation and Redevelopment (RR) Program.



## BROWNFIELD SITE ASSESSMENT GRANT APPLICATIONS DUE OCTOBER 20TH (CON'T.)

Giesfeldt added that SAGs not only provide a boost for one specific brownfield, but can also help with a community's long-term redevelopment vision.

"The SAGs have become great catalysts for neighborhood revitalization," said Giesfeldt. "If a community has blighted property that needs a shot-in-the-arm, a SAG is a great way to get things started."

The program's applications and instructions have been available since July, and applications for both large and small grants are due October 20, 2005. The applications and instructions are available on line at <http://dnr.wi.gov/org/aw/rr/rbrownfields/sag.htm>.

Of the \$1.7 million in available funding, \$1.02 million is allocated for small grants and \$680,000 is allocated for large grants. Small grants range from \$2,000 up to \$30,000 and large grants range from \$30,000 up to \$100,000.

Any local government (city, village, town, county, redevelopment authority, community development authority, or housing authority) or tribe is eligible to complete an application for a grant. While the SAG does not fund cleanup activities, it does fund the following:

- Phase I Environmental Site Assessments;
- Phase II Environmental Site Assessments;
- site investigations;
- demolition;
- asbestos removal associated with demolition;
- removal of abandoned containers; and
- removal of underground storage tanks (USTs).

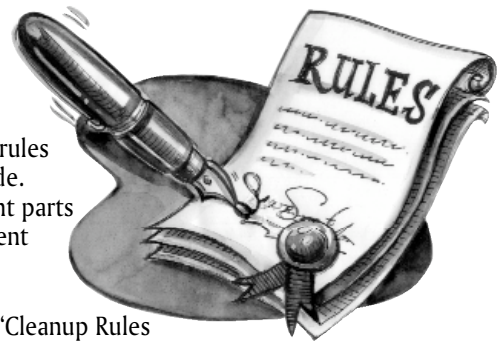
Since 2000, 257 grants have been awarded to 134 communities around the state for work on 850 acres of land. The State Legislature first authorized \$1.45 million for the SAG program in 1999 after the Brownfields Study Group, a state-wide advisory task force, recommended the program in their 1998 final report.

For more information about the Site Assessment Grant program, including handy tips on whether a property is eligible for a SAG, please visit the DNR's Remediation and Redevelopment (RR) Program web site at <http://dnr.wi.gov/org/aw/rr/rbrownfields/sag.htm>.

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## RR Program To Make NR 700 Changes

The RR Program will proceed with changes to the NR 700 series of administrative rules entitled *Investigation and Remediation of Environmental Contamination*, Wis. Adm. Code. These changes are part of an effort by RR Program staff to clean up text in different parts of NR 700, intended to ensure that our program rules remain consistent with current practices and statutes.



To view these changes, please check out the following web link on the Program's "Cleanup Rules and Laws" web page at: [http://www.dnr.state.wi.us/org/aw/rr/wi\\_regs/pending\\_nr700\\_rule\\_changes.pdf](http://www.dnr.state.wi.us/org/aw/rr/wi_regs/pending_nr700_rule_changes.pdf).

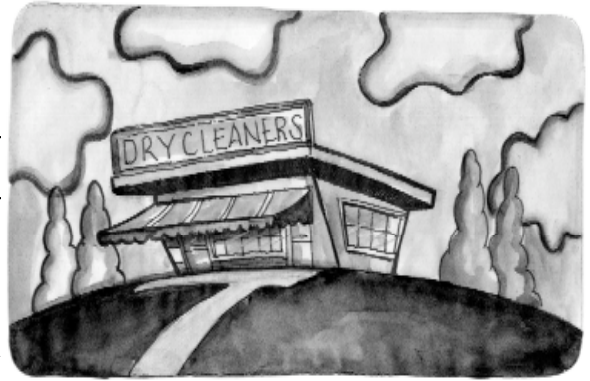
The next steps for making changes to NR 700 will be to:

- establish the rule making schedule;
- prepare the rule changes for approval by the Natural Resources Board (NRB);
- conduct public hearings and accept written comments;
- once all public comments have been received, prepare the final draft language for NRB approval; this language will also include a response to public comments and a fiscal estimate;
- if the NRB approves the final draft rule language, the proposed changes are sent to committees in both houses of the State Legislature; and
- the legislative committees decide whether to hold their own hearings on the rule changes. If no hearings are held, the rules are approved as written and become effective when published by the state Revisor of Statutes. If legislative hearings are held, the committees may approve the rules as written or send them back to the agency for revision.

Changes to the NR 700 series could become final by early spring 2006. For more information, please contact Jane Lemcke at 608-267-0554 or [jane.lemcke@dnr.state.wi.us](mailto:jane.lemcke@dnr.state.wi.us).

# Dry Cleaning Rule Changes Approved

The latest changes to the Dry Cleaner Environmental Response Fund (DERF) Program became effective August 1, 2005. The rule changes allow reimbursement of partial site investigation costs; a different method for submitting remedial options in lieu of remedial action options reports; a revised bidding process, and reimbursement to third parties for the initial discovery of a dry cleaning solvent release.



## Interim Reimbursement For Site Investigation

The rule change that has generated the most interest is the new provision for interim reimbursement of site investigation costs. Previously, site investigation (SI) costs were reimbursed after approval of the complete SI report. The average SI costs approximately \$50,000 and often takes six months to three years to complete. The rule revisions allow an owner or operator to submit an application for partial reimbursement prior to approval of the complete SI, providing small business owners with some financial relief.

Several conditions must be met:

- a change order to the SI scope of work must accompany the request and must be approved by the DNR project manager (change orders are usually submitted if the direction or scope of the investigation changes);
- a progress report of work done to date must be submitted and approved by the DNR project manager;
- the minimum reimbursement request is \$15,000;
- no more than one reimbursement request may be submitted in a fiscal year (which runs from July 1 to June 30); and
- no more than three interim reimbursement requests may be made during the SI.

A final, complete SI report must be submitted. There is no restriction on timing of the final SI report or a minimum reimbursement amount on the final reimbursement request. Once the SI report is approved by the DNR project manager, a final request for reimbursement – which may be the fourth reimbursement request – may be submitted.

## Remedial Action Options Report (RAOR)

Another important change is, instead of requiring parties to submit Remedial Action Options Reports (RAOR), they must provide cleanup options via the bidding process. After an SI report is complete and approved by the DNR manager, the owner or operator will request 3-6 bids for the remedial action. As part of the bid, each consultant must assess the technical and economic feasibility of their proposed remedy, as well as alternate remedies for the site, in accordance with NR 722.07(4), Wis. Adm. Code. At a minimum, the alternate remedies must include natural attenuation and enhanced natural attenuation.

## Revisions To Bidding

The bidding process for work plans and remedial actions has also been changed. For all site investigations and remedial actions, a dry cleaner owner or operator must solicit a minimum of three and maximum of six bid proposals. At DNR discretion, interim actions may also need to be bid. The rule change requires that two copies of the bid be prepared. Each copy must be sealed – that is, the bid can not be opened until the date and time specified by the dry cleaner. The bidding consultant must submit a copy of the bid to the dry cleaner and the other copy must be submitted to the DNR project manager.

The reason the DNR receives a copy of the sealed bid is to keep the bidding process honest. Sealed bids, by definition, must not be opened prior to the appointed time and date. The intent of the rule revision is to make sure that the bidders are treated equally and no one has an advantage over the other bidders. The DNR will put the bids in the site file after the bid opening.

The rule has not changed the responsibilities of the owner or operator. The dry cleaner must choose the winning bidder using a qualification-based selection process. The lowest bidder does not need to be selected. However, if the lowest bidder is not selected, the owner or operator must justify the selection of the winning bidder to the DNR. The DNR must approve the work plan or remedial action before work can proceed.

## Cost Incurred By Third Parties

Initial investigation costs, up to \$15,000, that are incurred by a third party may be included in an eligible dry cleaner's site investigation reimbursement request, if certain requirements are met. This means that, if a neighboring property owner identifies the dry cleaner contamination through an independent assessment, the neighbors' expenses are eligible. Those requirements can be found in NR 169.09(2)(e), Wis. Adm. Code.

Program staff are revising all DERF fact sheets, which will include the new rule changes. The updated publications will be out by fall of 2005. For more information on the DERF, please see the RR Program's web pages at <http://dnr.wi.gov/org/aw/rr/financial/dryclean.html>.





## SUCCESS STORIES

### State-funded Cleanup Brings West Milwaukee Brownfield Into Redevelopment Ballpark

Nearly every community in Wisconsin has dealt with contaminated properties at one time or another. For some sites, local governments work hand-in-hand with a responsible party – called an “RP” – to help cleanup and, hopefully, redevelop the property.

For other cases where the municipality wants to redevelop the contaminated property, but there is no willing or viable RP, the RR Program can use state money to conduct investigations and cleanups.

You can find such a site in the village of West Milwaukee, where local officials used state money in conjunction with brownfield funding and private investment to facilitate the cleanup and redevelopment of a long-standing eyesore.

#### Blasting Brownfield

The former Mobile Blasting brownfield property is located near Miller Park, home of the Milwaukee Brewers. This former sand blasting and painting operation was active until the early 1990’s before sitting idle for nearly a decade.

The property’s contamination was extensive, with petroleum and lead contaminated soil, petroleum contaminated groundwater and asbestos issues. The property also required building demolition and the removal of an underground vault.

In order to remediate the site, village officials worked with RR Program staff on securing state-funded cleanup dollars. Money for these types of sites comes from the Environmental Fund, which is funded through the state’s budget process by the governor and State Legislature. In 2004, more than \$3.5 million was spent to investigate and clean up contamination at 62 of these orphan sites.

The Environmental Fund is also used for other DNR and state agency activities. If the responsible party is viable but unwilling to pay for cleanup costs, the state has the authority to recover those costs through legal action. To date, the state has recovered approximately \$16.5 million in costs at these sites.

#### Stadium Business

West Milwaukee received \$1.8 million for state-funded activities, including investigation and cleanup. Project developers were also awarded \$390,000 from the Department of Commerce brownfields grant program and village officials kicked in more than \$312,000 in additional city funding to clean up the property.

The village worked with private developers to build the new Stadium Business Center, which was completed in 2002. The Center consists of a 44,000 square-foot office and warehouse facility that houses six businesses and employs approximately 130 people. Due to the unique construction of the building’s interior, involving movable wall pieces and allowing more spatial flexibility, the property is a popular spot for new or re-locating businesses. The site’s property value has jumped from \$300,000 to approximately \$2.5 million.

For more information on this project or other state-funded response activities, please contact Marie Stewart at 608-267-2465, or [marie.stewart@dnr.state.wi.us](mailto:marie.stewart@dnr.state.wi.us).



Workers demolish one of the old Mobil Blasting buildings in 2001 (photo by Andrew Savagian, DNR).



The new Stadium Business Center, located along Miller Parkway near the Milwaukee Brewer’s baseball stadium (photo by Jessica Milz, DNR).





## VPLE Fee Increased

As authorized by s. 292.15(5) Wis. Stats., and NR 750, Wis. Adm. Code, the DNR has increased the hourly rate for staff services related to the Voluntary Party Liability Exemption (VPLE) process from \$75 to \$85 per hour. The VPLE is a process where any individual, business or unit of government that conducts an environmental investigation and cleanup of a contaminated property can receive an exemption from future environmental liability.

The new rate took effect on July 1, the beginning of Wisconsin's Fiscal Year 2006. It affects those parties currently conducting a voluntary cleanup and actively pursuing the VPLE under s. 292.15, Wis. Stats.

The State Legislature gave the DNR authority to assess and collect fees from voluntary parties to cover the costs of the

agency's activities related to the VPLE, including indirect costs and time spent reviewing documentation and reports. Periodically, the DNR is also required by s. NR. 750.07(2), Wis. Adm. Code, to recalculate and possibly raise the hourly billing rate. The last time the agency raised the fee was in 2002.

For more information about the fee or the VPLE process, please contact Michael Prager at 608-261-4927 or [michael.prager@dnr.state.wi.us](mailto:michael.prager@dnr.state.wi.us), or visit the RR Program's VPLE web pages at: [http://dnr.wi.gov/org/aw/rr/liability/purchasers\\_0.html](http://dnr.wi.gov/org/aw/rr/liability/purchasers_0.html).

## Don't Forget! Brownfields 2005 Conference November 2-4 In Denver, Colorado

EPA will host Brownfields 2005, the 10th Annual Brownfields Conference, on November 2-4, 2005, in Denver, Colorado. This annual free conference features interactive discussions, educational presentations, mobile workshops and plenty of networking opportunities with business, government and nonprofit organizations working at the enterprising edge of brownfields redevelopment. Please visit the Brownfields 2005 web site at <http://www.brownfields2005.org/en/index.aspx> for more information.



## New Brownfield Tax Information Available On EPA Web Site



New materials about the federal brownfields tax incentive and the U.S. Treasury Department's New Markets Tax Credit Program are available on the U.S. Environmental Protection Agency (EPA) web site.

The web site provides four new case studies on the federal tax incentive and a fact sheet on the Tax Credit program and how each can benefit brownfields cleanup and redevelopment.

Eligible taxpayers in Wisconsin lead the nation in utilizing the tax incentive for cleanup costs at 23 separate sites. For more EPA information, please visit the agency's web page at <http://www.epa.gov/brownfields/mmatters.htm>, or please see the story entitled "Federal Brownfields Tax Incentives Extended Two Years," in the December, 2004, issue of *Re News* (page 3).

# EPA Announces Funds For Job Training At Brownfield Sites

The U.S. EPA recently announced the availability of funds to provide environmental job training projects that will facilitate assessment, remediation or preparation of brownfield sites.

Eligible applicants must currently receive funding under Section 128 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and also must serve a community that currently receives, or has received, financial assistance from EPA for brownfields assessment, revolving loan fund or cleanup grants. For more information, please go to the following link: [http://www.epa.gov/brownfields/pg/jt\\_0705.htm](http://www.epa.gov/brownfields/pg/jt_0705.htm).



## An Insider's Look At The RR Web Site: Cleanup



This *Re News* issue will delve into the information available on cleanup that can be found on the RR Program's Internet pages. Please note – this is not an all-inclusive list, just a few highlights to give our readers a handy guide to the available resources the RR Program provides.

**Cleanup Overview Web Page** – <http://dnr.wi.gov/org/aw/rr/cleanup/index.htm>

The overall purpose of this web page is to provide a non-technical overview of the cleanup process for contaminated soil and groundwater. This can help Responsible Party's (RPs) and other users understand the basic elements of a cleanup before entering into a working relationship with a consultant. Here's what you can find on the page:

- an introduction to cleaning up contamination; and
- a brief overview of soil and groundwater standards and case closures.

The web page also links to the **Resources for Environmental Professionals** web page, which provides resources for contractors and other cleanup professionals – you can access that page at <http://dnr.wi.gov/org/aw/rr/technical/index.htm>. The Resources for Environmental Professionals page provides more detailed information and links regarding the cleanup process. Here's just a few examples of what you can find on the page:

- case closure information – includes links to case closure forms, guidance, and rules;
- other DNR forms – provides links to important agency forms, including chain of custody and well and soil boring forms;
- newsletters – provides an overview of the RR News from DNR, *Re News* and also links to past versions of *Re News*, with topics specifically related to technical information;
- use of remediation technologies and the RR Program – this section details how the RR program deals with remediation technologies and cleanup, including when activities result in a discharge or activity that requires the involvement of another DNR program; and
- contaminated sediment information – links to the department's contaminated sediment guidance as well as other helpful external links.

**Cleanup Rules and Laws** – [http://dnr.wi.gov/org/aw/rr/wi\\_regs/index.htm](http://dnr.wi.gov/org/aw/rr/wi_regs/index.htm)

Wisconsin Statutes and Administrative Codes govern the investigation and cleanup actions that are required after a discharge of a hazardous substance occurs or is discovered. This web page contains links to the Wisconsin Administrative Rules database where you can search for rules, view the status of current rulemaking or documents associated with rulemaking, submit and view comments on rules, and subscribe to receive notification of a rulemaking. We also highlight proposed rule revisions and recent rule changes that relate to the RR Program, as well as list current rules related to the RR program.

## AN INSIDER'S LOOK AT THE RR WEB SITE: CLEANUP (CON'T.)

Remember, these pages are just a few of the web resources available to you. We will continue to do our best to provide you with the most current information. If you have any comments or suggestions for improving our the cleanup pages or our web site in general, please contact the RR Program's web publisher Megan Clemens at 608-261-4391 or [megan.clemens@dnr.state.wi.us](mailto:megan.clemens@dnr.state.wi.us).

See you next issue!

### New, Revised Publications



#### **Revised Site Assessment Fact Sheet Available**

The updated *Brownfields Site Assessment Grants* fact sheet (publication #RR-652) is now available. The fact sheet includes tips on eligibility and how to apply as well as new Round 7 information. You can view the fact sheet at the following link:  
<http://dnr.wi.gov/org/aw/rr/archives/pubs/RR652.pdf>.

#### **Superfund Fact Sheet Revised**

The fact sheet *What is Superfund?* (publication #RR-122) has been revised. The publication includes a listing of Superfund sites in Wisconsin, steps required to get a site listed on Superfund's National Priority List (NPL), common questions and answers about Superfund and information about public participation. You can access this fact sheet at the following link:  
<http://dnr.wi.gov/org/aw/rr/archives/pubs/RR122.pdf>.

#### **Lease Letter Fact Sheet Updated**

Fact Sheet #12, *Lease Letters: Clarifying Environmental Liability When Leasing Property* (publication #RR-620) has been revised. The fact sheet provides information to those individuals seeking clarification about their liability when leasing properties, and is available at the following link: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR620.pdf>.

### Staff Updates

#### **Southeast Region**

**John Melby** has been appointed Air and Waste Leader for the DNR's Southeast Region. John is a 28-year DNR employee with extensive experience in the wastewater, air and waste management programs. He has worked in the Southeast Region and in the Madison offices. Prior to joining the DNR, John worked in the private sector and with federal agencies and local governments. Welcome John!

#### **Northeast Region**

**Mike Stiefvater** is the new GIS specialist for the RR Program's northeast office. Mike is a University of Wisconsin-Green Bay master's degree student in Environmental Science and Policy, and previously worked for several years in the private sector. Welcome Mike!

#### **Central Office**

**Jessica Milz** returns to the RR Program as an LTE in the DNR's Central Office in Madison. Jessica is working on design, implementation and management of the new Brownfields Revolving Loan Fund Program. She previously worked for the RR Program for five years before leaving to attend graduate school in California. Welcome back, Jess!





# RENEWMS

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For More Information: *Re News* is published quarterly by the Wisconsin Department of Natural Resources Bureau for Remediation and Redevelopment.

This newsletter is available in alternate format upon request. Please call 608-267-3543.

Our Web Site Is: <http://www.dnr.wi.gov/org/aw/rf>

Refer comments and questions to :

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The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services and functions under an Affirmative Action Plan.

This newsletter may contain summary information about certain state statutes and/or rules and does not include all of the details found in the statutes/rules. Readers should consult the actual language of the statutes/rules to answer specific questions.

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